

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Thomas Delmar Hoedeman**
Docket No. **276018**
L.C. No. **04-009555-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The delayed application for leave to appeal from the September 10, 2004 judgment of sentence is DISMISSED as untimely. MCR 7.202(6)(b)(ii), 7.203(B)(1), and 7.205(F)(3). Appellant's reliance upon *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005), as authority for the circuit court's delayed appointment of appellate counsel is misplaced since the court advised appellant at sentencing and gave appellant a notice of right to timely appeal and request for appointment of attorney form that informed appellant that appellate counsel would be appointed at county expense if he made his request within 42 days of sentencing.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR -1 2007
Date

Sandra Schultz Mengel
Chief Clerk